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REMARKS

The Official Action of February 21, 1995 from the Examiner has been carefully studied.

Objections to the specification under 35 U.S.C. §112, first paragraph:

Firstly, the Examiner claims that the Applicant would have "not sufficiently described a support part which is not circular". At least three very simple examples where the support part cannot have a circular section have been given in the specification:

a) when the tight passage of the support part (original specification, p.22, lines 21-22, substitute specification, p.10, lines 4-5) is made of a cylindrical groove closed by a plate (original specification, p.22, lines 31-32, substitute specification, p.10, lines 11-12), even if the groove would have a circular section, the ending of this section by a plate geometrically makes the support part section not circular;

b) when the support part is a hollow rail which can hold and lead a tenon piece (original specification, p.23, lines 1-2, substitute specification, p.10, lines 13-14), it is impossible for a so open hollow rail to have a circular section;

c) when a support part is made of (split into) several beams parallel to each other (original specification, p.29, lines 10-14, substitute specification, p.13, lines 14-16), even if every of said beams would have a circular section, the support part could not geometrically have a circular section.

If the Examiner thinks that three as a number of examples which have been given is insufficient, he would be very kind of telling without any arbitrariness how many examples he would have liked to find in the specification so that it would be sufficient.

Secondly, the Examiner claims that the Applicant would have not "described how the movable arms 2 would be able to be turned into several directions around said support if the support was not circular in section".

However, the specification has given the example of a stirrup forming a loop and secured to an arm side (original specification, p.22, lines 23-24, substitute specification, p. 10, lines 5-7). It is obvious for a person skilled in the art to which the invention pertains as required the application of 35 U.S.C. §112 that with a stirrup forming a loop, an arm can turn in any direction even if the support part has not a circular section. In the EPO 0089960 patent, that the person skilled in the art is supposed to be familiar to, is given (p.5, lines 64-65 and p.6, line 1) a similar example of means: a butterfly nut used to lock a clamping collar. For the same person skilled in the art, it is well known that with a ball bearings it is very easy to make turn any arm around a cylindrical support part whatever is the section of said support part. Still, for the same person skilled in the art, if the support part has a square or hexagonal section, it is elementary that it is sufficient to remove an arm from said support part, turn it into another support face direction and slip the arm again onto said support part for making this removable arm turned into another direction around said support part. Nothing is said in the claims according to what the turning should be continuous around said support part.

All what it precedes amounts to explain to the Examiner what is a bicycle. Generally, such a work is not required during an examination. There is no reason

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at all to suppose that the person skilled in the art is an ignoramus when 35 U.S.C. §112 is considered and a very learned person to whom everything is obvious when 35 U.S.C. §103 is taken into account.

Thirdly, by declaring that "the support part made of several beams connected end-to-end in a row by couplers..." (claim 11) would be new matter (after having wrongly affirmed straight in his previous paper #7 that there would be "no support in the -original- specification as to how the arms are able to be removed"), the Examiner shows clearly once more that he has only and vaguely skimmed through the specification. This claim 11 is supported at greater length by the description (original specification, p.11, lines 16-33 followed by p.12, lines 1-12, substitute specification, p. 6, lines 15-41). The damages caused again by the Examiner's carelessness to the Applicant is time wasting and therefore money loss (time lacking for taking care of the customers).

Claim Rejections under 35 U.S.C. §112, first paragraph: in view of the assertions used by the Examiner for objecting to the specification. For the reasons which have been set out above, nothing has been changed in the claims in view of these assertions.

Claim Rejections under 35 U.S.C. §112, second paragraph:

The Examiner contends that in claim 1, step "a", the phrase "with a section circular or not" would be vague indefinite. This phrase must be considered in the context of the sentence where it is used and not piecemeal. It makes clear for the person skilled in the art required by 35 U.S.C. §112 that cylindrical which is placed before in the same sentence is taken in its most general meaning and not in the restrictive meaning that this person might have heard some poorly educated people use for cylindrical, i.e. as implying circular. If the Examiner has a suggestion for replacing this phrase by another as much specific but which would not seem to him as vague and indefinite, this suggestion will be carefully considered. But meanwhile, the Examiner's assertion appears to be somewhat arbitrary. To the person skilled in the art, this phrase placed in its context cannot be nothing but clear.

When the Examiner asserts that the phrase "such as a rod or a tube" would be indefinite because it would imply a narrower limitation than cylindrical, he still more shows that his standard is well below the one of the person skilled in the art, i.e. the standard he ought to have to check whether 35 U.S.C. §112 is complied with. A person skilled in the art knows perfectly well that a rod is full and a tube is hollow and that their section is not inevitably circular. On the contrary, he will understand with the help of the phrase "such as a rod or a tube" that by no means the "cylindrical support part" recited in the same sentence would be limited to be only hollow or to be only full.

As both just mentioned assertions from the Examiner have been found not convincing, no change has been brought for the time being to claim 1, step "a". However, to avoid any confusion regarding the role of the characteristic "thickness" of the substantially elastic buffer, an amended form for claims 1-2 and 12-14 has been suggested.

But contrary to what the Examiner surmises, "said arm" and "said buffer" line 5 of claim 12 do have a proper antecedent basis. For "said arm" on line 5, it can be found just in the line 4 above: it is of course "each of said arms". And the antecedent of "said buffer" is just also on said line 4. As for "said arm" of

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line 14 (there was not a "said buffer"), it has been deleted in the suggested amendment.

At last, the phrase "such as the one of any..." has been deleted in the suggested amended claim 12, step "a", to improve the clarity of the claim.

Claim Rejections under 35 U.S.C. §103:

a) claims 1-3 and 10-12.

The Examiner's attempt to reconstitute the present invention now the last one has been disclosed suffers from a certain number of notable defects.

For example, using Neff's arm 14, 16 to replace one of the very simple movable arms of the invention amounts to add at least two means, 16 and 18, to said invention. It is highly improbable that a person having ordinary skill in the art and by the way a solid common sense, would bother himself with these cumbersome means which have nothing to do with the present invention.

And it is pure dream of considering that the support part of Neff could be made of several beams connected together by couplers. It is even cheating since there is nothing but the present invention to help a person having ordinary skill in the art to think of such a making of a support part. The Examiner is caught here in flagrante delicto of dishonesty.

But between the present invention and what the Examiner gets by aggregating Neff and Thornton, the difference lies much more in the buffers. The fact that the pads of Thornton can perhaps be slipped onto the arms despite the fact Thornton never speaks about this possibility in his specification is not sufficient to replace the ring buffers of the present invention. Every person having ordinary skill in the art knows perfectly well that all clamps which have too stiff jaw faces like those of Neff or those of Thornton with their pads can touch and press on a slanting surface by only one side of their jaw face, even if the slanting is small. That means that the whole clamping force is concentrated on a very narrow surface, the surface along the touching side. So a very high pressure peak can be expected along this side and when a moulding or a sculpture is clamped, the high pressure peak can be expected on a ridge, just where it is the most fragile.

With the substantially elastic buffers of the present invention which act as compression springs because they are very thick under their contact face, the touching is achieved all over this face against a slanting surface, even if the slanting is not small. No risk at all of having a pressure peak and of damaging therefore a ridge of a sculpture. The buffer contact faces follow the shape. Because of the sizeable thickness of the substantially elastic material of which are made the buffers, these buffers behave in fact like a multitude of compression springs working more or less parallel to each other all under the buffer contact face. This advantage of the clamps according to the present invention over all other clamps is inherent to the substantial elasticity and to the sizableness of the thickness under the contact face of their buffers, such it has been disclosed from the very start (original specification, from line 16 to 20 of page 21, for example).

Therefore the attempt for reconstituting the present invention from the prior art by the Examiner even if it goes beyond what the person having ordinary skill in the art could do is unsufficient because the pads of Thornton are too flat to compensate for the stiffness of the arms of Neff or of Thornton.

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That is why the Examiner is invited to waive his rejection of claims 1-3 and 10-12.

b) claims 4-6.

Even if the reference Berna EPO 0080960 patent qualifies as prior art, the variant of its figure 3 is irrelevant as compared with the devices according to claims 4-6 of the present application. And the Applicant is in a position to tell that because he has invented himself this variant. This variant is teaching that it is possible with a handle of monitoring two pairs of jaws (and strictly not one more) when these pairs are placed on the same support part for holding separately a maximum of two objects at the same time. And if a third pair of jaws would be added, there is no teaching at all in the EPO 0080960 patent for the person having ordinary skill in the art how to monitor this additional pair with the same handle and therefore what it can be done with it. In particular, this variant does not teach placing two jaws facing two other ones along the same support part as is doing claim 4. In view of what teaches the EPO patent, a person having ordinary skill in the art would be well embarrassed to do something with two jaws facing two other ones along the same support, because he would lack what it is taught in the present specification apropos of the overlapper or super-assembler (original specification, p.8, lines 6-33, followed by p.9, lines 1-12, substitute specification, p. 4, lines 25-50, followed by p.5, lines 1-9, Fig. 5 and its detailed description), that clamping must be made with jaws V-diverging 2 by 2. The extraordinary advantages of such a clamping, as an unexpected amplification of the clamping force and a possibility of clamping the most tortured shapes, are not taught at all in the EPO patent but only in the present invention. In the same way, creating (claims 5, which is an extension of claim 4, and claim 6) with three pairs of jaws two very new kinds of helping hands which do not have the notable defects (such as jaws having a maximum opening very short, scratching and moving not parallel to each other) of the traditional crocodile tong helping hands by making two pairs of jaws V-diverging between them is only taught in the present specification (original specification, p.9, lines 21-33, followed by the whole p.10 and p.11, lines 1-15, substitute specification, p.5, lines 18-50, followed by p.6, lines 1-14, Fig. 6 and 7 and their detailed description). Therefore contending that the EPO patent teaches to a person having ordinary skill in the art claims 4-6 does not make sense. So the Examiner is invited to waive his rejection of these claims.

c) claims 7.

The rejection of claim 7 in view of Ditto has no serious basis. The end cap 32 in Ditto is not removable. The Applicant owns a clamp according to Ditto's patent and has had in his hand several clamps made accordingly to this patent and he is sorry but he can declare that for no one of these clamps the cap 32 has been found removable, on the contrary. A person having ordinary skill in the art cannot be taught that an end cap might be removable on a clamp by having in his hand some clamps made according to Ditto's patent. And this person cannot find more help in Ditto's specification where it is not mentioned at all that this end cap might be removable, the more so since there would be no technical advantage, as explained in the Applicant's paper of 10/12/94, if this cap would be removable (the movable arm might even fall when not clamped would this cap

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have been removed inadvertently). If the Examiner wants to maintain that this end cap is removable, he has to prove it despite it has been just said. Anyway, the stoppers that claim 7 recites, i.e. a clip, a rider, a pin, a key or a section of cylindrical sheath are obviously removable for a person having ordinary skill in the art while a cap is not. The purpose of a cap according to a person having ordinary skill in the art is to close the end of a beam once for all, as it is made for the antenna rods. That is why the Examiner is earnestly invited to waive his rejection of claim 7. d) claims 8-9 and 13-14.

The Applicant has taken notice that at least the coupling of several assemblers to each other would be allowable subject matter.

However, every ground of rejection has been responded to in accordance with 37 C.F.R. 1.111. Hence favorable reconsideration and allowance of amended claims 1-14 are petitioned with deference.

Respectfully submitted

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May 21st, 1995
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